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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,442	09/08/2003	Steve Johnson	Watcher	8462
42811	7590	01/03/2005	EXAMINER	
KAJANE MCMANUS P. O. BOX 344 WONDER LAKE, IL 60097			LAI, ANNE VIET NGA	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,442	JOHNSON, STEVE	
	Examiner	Art Unit	
	Anne V. Lai	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by **Wickremasinghe** [US. 5,493,877].

Regarding claim 1, **Wickremasinghe** (figs. 1-4) discloses an automatic shutoff overflow controller 12 for use in shutting off a powered liquid processing device 18 when an undesirably high level of liquid is sensed in a liquid containment 20 for liquid draining from the device, the controller 12 comprising a circuit (42, 100; figs. 5 and 6; control circuits in the control box 12 of fig. 1) engaged between the device and a source of power therefor (connectors 11, 14, 16) and including conductive sensor probes 38 placed at a desired level within the liquid containment 20 such that, when the probes become immersed in liquid, an audible warning is produced and flow of power from the source to the device is interrupted (col. 2, line 41 through col. 3, line 52).

Regarding claim 2, **Wickremasinghe** (fig. 1) discloses the circuit includes a connector (plug 14) engaged to a source of power (AC outlet; col. 2, lines 65-67).

Regarding claim 11, **Wickremasinghe** discloses an automatic shutoff overflow controller (figs. 1-4) for use in shutting off a powered liquid processing device 18 when an undesirably high level of liquid is sensed in a liquid containment 20 for liquid draining

from the device, the controller 12 comprising a sensor circuit (42, 100; figs. 5-6) engaged between the device and a source of power (connectors 11, 14, 16) and including conductive sensor probes 38 placed at a desired level within the liquid containment 20 such that, when the probes become immersed in liquid, an audible warning is produced and flow of power from the source to the device is interrupted, the sensor probes being mounted within a housing 40 engaged to an outlet end of an outlet hose 24 from the device.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wickremasinghe** in view of **Johnson** [6,154,144].

Regarding claim 3, **Wickremasinghe** (fig. 1) discloses the control box 12 is a chamber housing a plurality of connectors; **Wickremasinghe** does not indicate specifically the atria; **Johnson** teaches the circuit includes an atria to which the device is electrically engaged (claim 1). It would have been obvious to one having ordinary skill in the art at the time of the invention was made the arrangement of a circuit in an atria is merely a designer choice for facilitating the electrical connection.

Regarding claim 4, **Johnson** teaches a normally closed relay is positioned between the connector and the atria (claim 1); **Wickremasinghe** (figs. 5 and 6) discloses two types of relay circuits, normally closed relay 90 (col. 4, lines 2-3) or normally open relay 110 (col. 4, lines 44-45) can be used to design a circuit of the same function; Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made, the normally closed relay or the normally open relay can be implement in a control circuit as designer choice based on supply, cost or simply preference.

Regarding claim 5, **Wickremasinghe** discloses a comparator (input level sensor; col. 4, lines 23-25, 46-48; figs. 5 and 6) functionally engaged to the relay in a manner to cause closing of contacts of the relay (col. 3, lines 57-60) when voltage across the probes exceeds a reference voltage (short out) to effectively disconnect the device from the source of power. **Johnson** teaches a comparator perform the same function with the relay contact opened (claim 2). It would have been obvious the use of different type of relays is possible based on designer choice relating to cost, supply or preference.

Regarding claim 6, **Johnson** (39, fig. 1) and **Wickremasinghe** (28, fig. 2) disclose the comparator powers on an audio signal generator; the opening and closing of the relay contacts is based on the selected type of relay.

Regarding claim 7, **Johnson** teaches the controller comprising a timer for causing the audio signal generator to cycle on and off (col. 2, lines 47-57; claim 4).

Regarding claim 8, **Johnson** (claim 5) and **Wickremasinghe** (88, 94; fig. 5; col. 4, lines 4 and 62) disclose a visual indicator normally green and changes to red when the relay contacts change positions.

Regarding claim 9, **Johnson** (claim 6) teaches the circuit is reset when sufficient liquid is removed from the containment therefor to decrease the liquid to a level below the probes.

Allowable Subject Matter

5. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Braley discloses an overflow control system. [US. 4,418,712]

Meacham discloses a drain overflow alarm. [US. 5,028,910]

Franklin discloses an automatic shutoff valve for water supply line. [US. 5,240,022]

Greene discloses a water level control circuit for sum pumps. US. 5,216,288]

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AVL
A. V. Lai
December 17, 2004



JEFFERY HOFSSASS
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